

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY ) MDL NO. 1456  
AVERAGE WHOLESALE PRICE )  
LITIGATION ) CIVIL ACTION NO. 01-CV-12257-PBS  
 )  
THIS DOCUMENT RELATES TO ) Judge Patti B. Saris  
ALL CLASS ACTIONS )  
 )

**[PROPOSED] ORDER**

The motion of Defendant Hoffmann-La Roche Inc. ("Roche"), seeking an order under Rule 54(b) of the Federal Rules of Civil Procedure directing the entry of separate and final judgment in favor of Roche, was submitted on April 2, 2004.

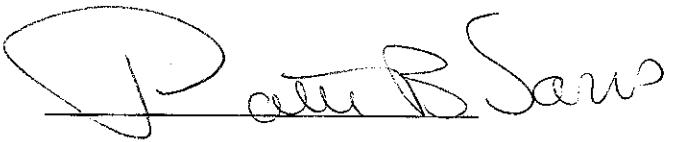
IT IS ORDERED that:

1. The motion is GRANTED.
2. The Court's February 24, 2004 Order dismissing Roche is final.
3. The Court expressly determines that there is no just reason for delay in entering final judgment in favor of Roche. Roche is no longer a party in the portion of the Amended Master Consolidated Class Action that remains before the Court; the facts pertaining to Roche are not inextricably intertwined with the facts of the claims still pending before the Court; additional evidence acquired in the course of discovery against the remaining defendants (or a disposition or trial of the claims against the remaining defendants) would in no way affect the basis for the Court's February Order regarding the insufficiency of the claims against Roche; and a determination that Roche is securely out of the litigation advances the interests of judicial economy and equity.

3. The Clerk of this Court is directed to enter a final judgment in this matter dismissing all claims against Roche.

Dated:

4/26/04



Patti B. Saris  
United States District Court Judge